

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NEWFREY, LLC, et al.,

Plaintiffs,

-vs-

Case No. 07-13029  
Hon: AVERN COHN

BURNEX CORPORATION,

Defendant,

/

**SCHEDULING ORDER**

This is a patent case. The patents-in-suit and the asserted claims are as follows:

U.S. Patent No. 6,928,705 B2 - Claim 1

U.S. Patent No. 7,096,638 B2 - Claim 1

U.S. Patent No. 7,120,971 B2 - Claim 20

The patents-in-suit cover a V-based fastener for attaching a trim piece or panel to the structure of a motor vehicle. The fastener is in one piece and spring biased.

There are three (3) accused fasteners commonly known as '11, '32 and '50. They generally sell for under \$1.00 a piece.

The parties are interested in settlement with the Court as facilitator. To that end:

1. Plaintiffs shall lodge with the Court within one (1) week a copy of each of the patents with the specification highlighted as to significant language, accompanied by a copy of each asserted claim with the elements appropriately parsed (see Exhibit A as an example) and the critical element(s) highlighted.

2. Plaintiffs shall furnish defendant within two (2) weeks a paper designating the

asserted claim as to each accused device together with the outline of what plaintiffs state are the terms of an appropriate settlement.

3. If defendant is unable to fully understand plaintiffs' settlement proposal it shall advise the Court *ex parte*. The Court will attempt to get clarification.

4. Defendant shall then meet with the Court within four (4) weeks, at which time a senior officer of defendant shall be present, to advise the Court of its response to plaintiffs' settlement proposal.

5. Once the Court is satisfied it understands plaintiffs' settlement proposal and defendant's response, it will decide on the further steps it believes appropriate to a satisfactory resolution of the case.

6. The parties may during the course of the settlement process talk to the Court by telephone *ex parte*.

7. Any objections to this order shall be filed with the Court within two (2) days.

SO ORDERED.

Dated: February 6, 2008

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, February 6, 2008, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160